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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,039

11/14/2005

Peter Heeley

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07/25/2007

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EXAMINER

WILLIAMS, MARK A

ART UNIT

PAPER NUMBER

3676

MAIL DATE

DELIVERY MODE

07/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,039	Applicant(s) HEELEY ET AL.	
	Examiner Mark A. Williams	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 16,17,19,24,25,27-30,32 and 34-36 is/are rejected.
- 7) ☐ Claim(s) 18,20-23,26,31 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 16, 19, 24, 25, 27, 29, 32, 34, 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Eckhardt et al., US Patent 6,601,270.

A locking mechanism for a latch mechanism having a latch spindle 30 turnable to move a latch bolt from its latching position (as conventional in the art), the locking mechanism comprising a rotatable handle having a drive passageway (near 16) therein for fitting to an adjacent end of the latch spindle; and a locking member 15 mounted on the handle; and a retainer (31, 38, 36) associated and engageable with the locking member to lock the handle against rotation; the drive passageway being configured to allow the handle to turn relatively to the latch spindle in opposite directions through a predetermined angle of movement (even if a very small angle), at one end of which, the handle is engageable with the latch spindle for turning the latch spindle in an opening direction to move the latch bolt from its

latching position and, at the opposite end of which, the handle is in a locking position in which the locking member is engageable with the retainer and the handle is engageable with the spindle to prohibit turning of the spindle in the opening direction. A guide defining an arc of movement for the locking member when the handle is turned in the opening direction from its rest position is inherent to the design. A base plate (21, 20) securable to a door having at least part of the latch mechanism and mounting the retainer thereon; and wherein the handle is rotatably mounted in the base plate. The drive passageway in the handle is axially fluted near 16 and includes an internal cross-section comprising ribs 14 and grooves symmetrically spaced about the internal periphery of the passageway and arranged to allow the handle to have a predetermined degree of rotational freedom relative to the latch spindle when engaged therewith via 15 and 31. A second handle having a passageway therein for fitting to the end of the latch spindle opposite to that fitted with the locking member is provided.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17, 30, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckhardt et al.

Although the particular claimed structure is not shown, it is well known in the art to design handle/spindle arrangements in a variety of forms that are structurally and functionally equivalent. Such a form is considered an art recognized equivalent structure to that of Eckhardt and would function at least equally as well. It would have been an obvious matter of design choice to make the different portions of the device of whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47. Such a form is considered an art recognized equivalent structure and would function at least equally as well.

4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eckhardt in view of Humes.

Although Eckhardt does not explicitly show the latch spindle comprising a two-part latch spindle, both parts of which are of square section with one part twisted with respect to the other to accommodate a change in relative positions with the drive passageway, it is well known in the art to design handle/spindle arrangements to use such structure. Humes provides an example of such structure for providing independent spindle movement between two handles. It would have been obvious at the time the invention was made for one skilled in the art to include such a spindle, for the purpose of providing independent spindle movement between two handles.

Allowable Subject Matter

5. Claims 18, 20-23, 26, 31, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on (571) 272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark Williams
7/18/07 


JENNIFER H. GAY
SUPERVISORY PATENT EXAMINER